

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) Case No. 09-CR-043-SPF
)
LINDSEY KENT SPRINGER,)
)
Defendant.)

ORDER

The government has moved (doc. no. 629) to dismiss defendant Springer's motion (doc. no. 625) which seeks to set aside the judgment entered August 22, 2014 in Mr. Springer's section § 2255 proceeding. The clerk has docketed the government's motion to dismiss as a response brief, which is appropriate in these circumstances. Accordingly, the briefing schedule previously entered by the court with respect to Mr. Springer's motion (doc. no. 628) is **VACATED** and the following briefing schedule is **SET**.

The government argues that Mr. Springer's motion constitutes a successive § 2255 motion, and states that other courts addressing Mr. Springer's motions have done the same. Doc. no. 629, p. 3, n.1.¹ The government also argues that Mr. Springer's motion is time-barred. Given the nature of the government's arguments, Mr. Springer should be permitted to file a reply brief. Any reply which Mr. Springer wishes to file is **DUE** within thirty days of the date of this order. If the

¹ The government's response does not explicitly address the fact that Mr. Springer's motion refers to Rule 60. Doc. no. 625, p. 8 (electronic case filing pagination).

government wishes to file a sur-reply brief it may do so within fourteen days after the filing of any reply brief by Mr. Springer.

IT IS SO ORDERED this 11th day of January, 2018.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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